

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

LUDA CHRISTINE HAYWARD LEFORGE,  Plaintiff,  v.  FEIWELL & HANNOY, P.C.,  Defendant.	CIVIL ACTION NO.  COMPLAINT AND DEMAND FOR JURY TRIAL  <b>1 : 11-cv-0526 RLY -TAB</b>
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**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for statutory and actual damages, punitive damages, costs of the action and a reasonable attorney's fee brought by Luda Christine Hayward LeForge for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., by Defendant.

**II. JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331 and 1337.

**III. PLAINTIFF**

3. Plaintiff Luda Christine Hayward LeForge is a natural person residing in the State of Florida.

**IV. DEFENDANT**

4. Defendant Feiwell & Hannoy, P.C. is a domestic professional corporation with its principal place of business in Indianapolis, Indiana.
5. At all times referenced herein, Feiwell & Hannoy, P.C. was operating as a debt collector in the State of Indiana as defined by 15 U.S.C. § 1692a(6).

**V. STATEMENT OF FACTS**

6. On November 9, 2007, in purchasing a condominium located at 7502 Prairie Lake, Indianapolis, Indiana, Plaintiff Luda Christine Hayward LeForge executed a note and mortgage in favor of The Huntington National Bank in the amount of \$89,320.00.
7. The condominium located at 7502 Praire Lake, Indianapolis, Indiana was Christine's principal residence.
8. Christine began to make timely payments pursuant to the terms of the note.
9. In November, 2008, Christine relocated to Florida for reasons of employment.
10. After moving to Florida, Christine continued to make timely monthly payments to the current holder of the note or their agent.
11. After Countrywide Financial Corp. was acquired by Bank of America Corporation, BAC began servicing the note and mortgage.
12. Shortly after BAC began servicing the note and mortgage, BAC notified Christine by letter dated June 8, 2009 that she was several months late on payments, was in default and of BAC's intent to accelerate all amounts due and to institute foreclosure proceedings.
13. Christine was not in default on June 8, 2009 and has never been in default on the note.
14. The June 8, 2009 letter advised Christine of potential options to cure the default and avoid foreclosure; one of those options was a short sale.
15. After extensive negotiation, Christine agreed to dispose of the property by short sale and BAC agreed to accept the proceeds of the short sale in satisfaction of the note.
16. Prior to the short sale, BAC reported the account in a derogatory manner (late payments) on Christine's credit reports despite the fact that she had never made late payments.
17. The short sale occurred on January 6, 2010.
18. BAC received \$55,533 as a result of the short sale.
19. Following the short sale, BAC reported the account in a derogatory manner (late payments, in foreclosure, \$88,091 balance due) on Christine's credit reports.
20. On or about April 22, 2010, Feiwell & Hannoy, P.C., attorneys for BAC, sent Christine a letter demanding payment of \$100,549.87 on the note.

21. Also on April 22, 2010, BAC filed a lawsuit in Marion Superior Court, Cause No. 49D14-1004-MF-018380, by its attorneys Feiwell & Hannoy, P.C., against Christine for a personal judgment in the amount of the outstanding unpaid principal balance plus, fees, costs, interest and expenses and foreclosure.
22. On or about April 26, 2010, Christine's husband left a detailed message for Feiwell & Hannoy, P.C. at telephone number 317-237-2090 advising Feiwell & Hannoy, P.C. that their attempted debt collection was in error and to please contact him.
23. That same day, Christine's husband sent Feiwell & Hannoy, P.C. a communication via the Layers.com website requesting a telephone call concerning the April 22, 2010 dunning letter.
24. On or about May 19, 2010, Christine's husband faxed a debt validation request letter to Feiwell & Hannoy, P.C. at 317-237-2722 on behalf of Christine and himself requesting validation of the alleged debt.
25. Feiwell & Hannoy, P.C. did not respond to any of the communications from Christine's husband.
26. The lawsuit was not dismissed until June 28, 2010.

### **CLAIMS FOR RELIEF**

#### **A. Fair Debt Collection Practices Act**

27. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through twenty-five above.
28. Feiwell & Hannoy, P.C. violated the Fair Debt Collection Practices Act as to Christine. These violations include, but are not limited to:
  - a. Attempting to collect a debt that Plaintiff does not owe, in violation of 15 U.S.C. § 1692d;
  - b. Falsely representing the amount and legal status of a debt, in violation of 15 U.S.C. § 1692e;
  - c. Attempting to collect an amount not expressly authorized by the agreement creating the debt or permitted by law, in violation of 15 U.S.C. § 1692f.
29. As a result of these violations of the Fair Debt Collection Practices Act, Defendant is liable to Plaintiff for her actual damages, statutory damages, punitive damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and against Defendant in an amount that will compensate her for her actual damages, statutory damages, punitive damages, costs of the action, a reasonable attorney's fee and all other relief to which she is entitled.

Respectfully submitted,



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**JURY DEMAND**

Plaintiff requests a trial by jury.

Respectfully submitted,



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